

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LA SHAWN PETTUS-BROWN,

Plaintiff,

vs.

**Case No.: 2:18-cv-82
JUDGE GEORGE C. SMITH
Magistrate Judge Jolson**

JIMMY PHELPS, et al.,

Defendants.

ORDER

On November 14, 2018, the United States Magistrate Judge issued a *Report and Recommendation and Order* recommending that Plaintiff's Emergency Motion for Preliminary Injunction be denied; Plaintiff's Second Renewed Motion for Leave of Court to Exceed Allotted Discovery be denied without prejudice; and Plaintiff's Motion to Compel Response to Discovery Request be denied as moot. (*See Report and Recommendation*, Doc. 38). The parties were advised of their right to object to the *Report and Recommendation and Order*. This matter is now before the Court on Plaintiff's Objections to the *Report and Recommendation and Order*. (*See* Doc. 42). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

In his objections, Plaintiff concedes the rulings on the discovery matters, but objects to the denial of his motion for preliminary injunction. Plaintiff continues to argue that Ohio Revised Code §2967.28(F)(3) is unconstitutional, and specifically the imposition of prison sentences pursuant to this statute.

The Court has carefully reviewed Plaintiff's arguments raised in his objections and in his initial motion and agrees with the Magistrate Judge's analysis in the *Report and Recommendation and Order*. Plaintiff has failed to establish a likelihood of success on the merits of his claim, nor any of the other preliminary injunction factors.

Therefore, for the reasons stated above and as set forth in detail in the *Report and Recommendation and Order*, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation and Order*, Document 38, is **ADOPTED** and **AFFIRMED**. Plaintiff's Emergency Motion for Preliminary Injunction is hereby **DENIED**. Plaintiff's Second Renewed Motion for Leave of Court to Exceed Allotted Discovery is **DENIED without prejudice**. Plaintiff's Motion to Compel Response to Discovery Request is **DENIED as moot**.

The Clerk shall remove Documents 24 and 38 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT